

**MOTOR VEHICLE DEALER BOARD
MINUTES
December 16, 2014**

The regular meeting of the Dealer Board was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

BOARD MEMBERS:

Anthony Brownlee
Robert Endter
Justin Franks
Joseph Gebhardt
Chris Hefty
Michael Jorgensen
Stan Martin
Deborah Thompson
Jason Wagner

MEMBERS ABSENT:

**SENIOR DIRECTOR OF
ENFORCEMENT:**

Ron Kammerzell

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

**DEPT OF REVENUE,
AID, ENFORCEMENT
DIVISION STAFF:**

Chris Rouze
Matt Heap
Martin Kenney
John Opeka
Gloria Breeden
Cheryl Morrison
Dave Heinrich
Kaye Kopecky
Joe Scalabrini
Erika Garcia
JoAnn Saenz
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Y.E. Scott
Skip Spear

VISITORS:

Max Shingara - Maximum Auto Search
Micah Lewis – Maximum Auto Search
Randal David Ankeney

Todd O'Connell, CIADA
Tammi McCoy, CADA
Mary Marvin, CAPSS
Art Erwin, Christopher's Dodge World
Stephen Mark Leighton
Benjamin Salgado, 5280 Motors
Stacey Barber, King's Cars
Marc B. Tull, Attorney at Law
Raed Khasawneh, Arapahoe Hyundai

President, Jason Wagner, opened the meeting of December 16, 2014, at 9:15 a.m. Mr. Wagner turned the floor over to Executive Secretary, Bruce Zulauf.

AGENDA REVIEW AND ANNOUNCEMENTS

Mr. Zulauf informed the Board there were no additions or corrections. There will be one Exceptions hearing today and Mr. Skip Spear, Conflicts Counsel, will guide the Board through the process. Mr. Zulauf announced that all Board actions for the last two and a half years will be posted to the website by end of week.

MINUTES

The minutes of the November 18, 2014 were approved unanimously.
The minutes of the November 18, 2014 Rulemaking meeting were amended to remove Board member, Chris Hefty, from attendance – approved unanimously.

There was a general discussion of the 2015 rulemaking agenda and upcoming stakeholder meetings. Mr. Zulauf will forward a spreadsheet to Board members and the Associations, by end of year, outlining the planned agenda. There is a tentative stakeholder meeting scheduled for January 14, 2015.

There was a general discussion of the rulemaking process and how the Division and the Board can work in accordance with the statutes and Executive orders established for rulemaking review. The Division is exploring posting the recordings of the stakeholder meetings on the website to give the Board more time to review the record leading up to the Rulemaking Hearing(s).

EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

- 1. Proposed Stipulation and Final Agency Order – A&B Auto, Dealer #8255** – Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- 2. Proposed Stipulation and Final Agency Order – Georgis Auto Sales, Dealer #42236** – Motion to approve the Proposed Stipulation and Final Agency Order – approved 6-2 (Hefty and Gebhardt opposed).
- 3. Proposed Stipulation and Final Agency Order – Cherry Motors, Inc., Dealer #7297** – Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- 4. Proposed Stipulation and Final Agency Order – Pikes Peak Motorsports, Dealer #39858** – Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- 5. Proposed Stipulation and Final Agency Order – John D. Wimmer, Salesperson #155836** – Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.

Ms. Scott and Mr. Franks recused themselves and left the room.

- 6. Initial Decision- Belsher, Paul Richard---** License# 163477

Motion was made to accept the Findings of Fact and Conclusions of Law and accept the recommendation of the Hearing Officer and grant a conditional license with specified conditions – approved unanimously.

Ms. Scott and Mr. Franks returned to the room. Board took a 5 minute break.

**Randal David Robert Ankeney, Salesperson License #186141
Review of Initial Decision upon Filing of Exceptions by the Applicant
Case #SD14-012**

Marc B. Tull, Esq., appearing on behalf of the Applicant/Appellant
Y.E. Scott, Esq., Senior Assistant Attorney General, appearing on behalf of the State

A motion was made to enter Executive Session at this time to seek legal advice and discuss with counsel the matter regarding Randal Ankeney pursuant to C.R.S. 24-6-402 (3) (a) (II) – passed unanimously.

The Board went into Executive Session at 11:25 a.m. and Resumed the Review at 11:40 a.m.

A motion was made to allow Mr. Ankeney to address the Board – passed 7-1 (Mr. Jorgensen opposed). Ms. Scott also opposed the motion.

A motion was made to accept the Findings of Fact and take the Conclusions of Law under advisement – passed unanimously.

The Board went into Executive Session at 12:20 p.m. and resumed Open Session at 12:42 p.m.

A motion was made to reopen Ankeney Case – passed unanimously.

A motion was made to adopt the Conclusions of Law made by the Hearing Officer, reject the Exceptions made by Mr. Ankeney through his Attorney Marc B. Tull, deny the license, and direct Conflicts Counsel to write an Order, for presentation at the next Board meeting, outlining the basis for adopting the Hearing Officer's decision. – passed unanimously.

BACKGROUND INVESTIGATIONS TEAM

John Opeka presented the following to the Board:

Dealer Applications:

- **Dreams in Driveways #39582** – Motion to deny the license based on financial character – approved 7-1 (Hefty opposed).
- **King's Cars LLC #43080** – Motion to deny the license based on financial character – approved 7-1 (Hefty opposed).
- **Lifetime Auto LLC #43145** – Motion to grant the license – approved unanimously.
- **Motor Sports LLC #43083** – Motion to grant the license – approved unanimously.

Salesperson Applications:

- **Gaitan, Estevan #188383** – Motion to grant the license – approved 6-2 (Endter and Jorgensen opposed).
- **Khasawneh, Raed #29930** – Motion to grant the license – approved unanimously.

Mr. Endter recused himself and left the room.

- **Leighton, Stephen #27185** – Motion to grant the license – approved unanimously.

Mr. Endter returned to the room.

- **Salgado II, Benjamin #188797** – Motion to grant the license – approved unanimously.

INVESTIGATION REPORT

Chief of Investigations Chris Rouze presented the following to the Board:

Statistical Reporting – Ms. Rouze informed the Board that we started with 441 cases, 132 new cases were opened and 144 cases were closed for the month, giving the Division a balance of 429 open cases. There were 329 background inquiries performed.

Affidavits of Probable Cause:

- **DJ's Auto Sales, DL #38539** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to DJ's Auto Sales, Dealer #38539; and that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Impex Automotive, LLC, DL #41617** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Impex Automotive, LLC, Dealer #41617; and that the Colorado Motor Vehicle Dealer Board summarily suspends the motor vehicle dealer's license in accordance with C.R.S. 24-4-104 – approved unanimously.

New Business – No New Business

Public Comment – No Public Comment

The regular meeting of the Motor Vehicle Dealer Board was adjourned at 1:22 p.m.

(Note: The Minutes of the Motor Vehicle Dealer Board summarize the contents of the meeting. They are not verbatim transcripts and are based principally upon the digital recording of the meeting and upon the later collaboration of staff attendees to ensure that the summary faithfully captures the matters before the Board and the actions the Board took. The digital recording of the meeting is a permanent record of the Board, retained in the electronic filing system of the Auto Industry Division, and is available as a resource for review, as needed.)

Bruce Zulauf
Executive Secretary